

Message Text

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ACTION L-03

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FOR LEGAL ADVISER AND ASSISTANT SECRETARY FOR CONSULAR AFFAIRS

E.O. 11652: N/A

TAGS:

SUBJECT: US BOLIVIAN TREATY ON EXECUTION OF SANCTIONS

REF: LA PAZ 0062, HANSELL/BOEKER TELCON 12/18/77

1. I AM HAVING DIFFICULTY GETTING BOB AGREEMENT ON CHANGE OF ARTICLE III, PARAGRAPH 6 AS YOU MIGHT GATHER BY DELAY HERE, BUT I HAVE NOT GIVEN UP YET. WHERE WE STAND IS AS FOLLOWS.

2. AS REPORTED IN REFTTEL, 15 DAYS AGO I PROPOSED DELETION TO INTERIOR UNDER SECRETARY BALLIVIAN AND SECURED HIS, AND SUPERIOR COURT REPRESENTATIVES' INFORMAL APPROVAL TO DELETION IF THE PALACE AND FOREIGN OFFICE WOULD GO ALONG. THEY HAVE NOT GONE ALONG. IN FACT, THREE DAYS LATER THE FOREIGN OFFICE ASKED ME TO SEND A NOTE REQUESTING REOPENING OF NEGOTIATIONS ON THE ENTIRE TEXT. I DID NOT DO SO, FEARING THIS APPROACH PRESENTED A TRAP FROM WHICH WE MIGHT NEVER EMERGE. I, THEREFORE, ASKED BALLIVIAN TO HAVE INTERIOR AGAIN TAKE THE LEAD AND REQUESTED THAT WE NOT EXCHANGE ANY NOTES FORMALLY UNTIL WE WERE AGREED ON A CHANGE IN THE ONE TROUBLESOME PARAGRAPH ONLY.

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3. ON JANUARY 12 BALLIVIAN CALLED TO SAY HE HAS FAILED. WITH PEREDA, WHOSE POLITICAL CLOUT GOT THE TREATY NEGOTIATED FOR US IN THREE DAYS, NOW ON THE CAMPAIGN TRAIL FOR PRESIDENT, A NEW MINISTER OF INTERIOR, JIMINEZ, WORKING 18 HOURS PER DAY ON PROBLEMS OF DOMESTIC ORDER AND BASICALLY OPPOSED TO CHANGING THE TREATY ANYWAY, INTERIOR DOES NOT HAVE THE HORSEPOWER TO GET GOB AGREEMENT TO THE CHANGE.

4. THEREFORE, I TURNED TO UNDERSECRETARY TORRES IN THE PALACE WHO IS CLEARLY THE HEAVY OPPOSED TO DELETING ARTICLE III PARAGRAPH 6. TORRES REITERATED TO ME HE COULD NOT AGREE TO DELETION, FOR LEGAL AS WELL AS INTERNAL POLITICAL REASONS. HE INSISTED THAT THERE HAD TO BE AN ARTICLE SAYING THE CONDITIONS OF THE SENTENCE WOULD BE MET. I, THEREFORE, PROPOSED TO TORRES THAT WE ALTER THE PARAGRAPH IN QUESTION TO SAY JUST THAT AND NO MORE, THAT IS "THAT THE CONDITIONS OF THE SENTENCE, OTHER THAN THE FULL PERIOD OF DETENTION, HAVE BEEN COMPLIED WITH".

5. TORRES THOUGH HE COULD BUY THIS AND HAS AGREED TO TRY TO GET GOB APPROVAL FROM HIS POSITION IN THE PALACE. SINCE THE WHOLE GOB IS NOW TOTALLY ABSORBED IN INTERNAL POLITICS, AND IT IS IMPOSSIBLE TO GET TOGETHER AGAIN THE TEAM THAT NEGOTIATED THE ORIGINAL TEXT, I ALSO UNDERTOOK TO CONTACT MYSELF TERCEROS BANZER, FOREIGN OFFICE UNDER SECRETARY. (LOAYZA, THE FOREIGN OFFICE LAWYER, IS OUT OF THE COUNTRY) AND BALLIVIAN.

5. I WILL KEEP PUSHING, BUT I AM AFRAID THE POWERS THAT COUNT ARE ALL NOW TOTALLY ABOSRBED IN JUST THAT PERIOD OF FRENETIC INTERNAL POLITICAL ACTIVITY WHICH WE TRIED TO AVOID BY EARLY NEGOTIATIONS. I WILL STAY ON THIS COURSE UNTIL MID-WEEK AND HOPE BY THEN WE CAN GET AGREEMENT ON A LIMITED OFFICIAL USE

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TEXT ALONG THE LINES OF THAT IN PARA 4 ABOVE, BUT THIS IS NOT CLEAR YET.

6. MEANWHILE I HOPE WASHINGTON AGENCIES CAN DO ALL THE WORK POSSIBLE, UNDER THE CIRCUMSTANCES, TO PERMIT SUBMISSION OF THE TREATY TO THE SENATE AS SOON AS POSSIBLE AFTER IT RECONVENES.
BOEKER

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